



Join Us in Beautiful Orlando for Our 4-Day NRC/DOT Radioactive Waste Packaging, Transportation and Disposal Training July 24 – 27, 2017

The 4-day course is designed to provide an introduction for new or inexperienced shippers, or as a thorough review for experienced shippers who need refresher training to satisfy their Nuclear Regulatory Commission (NRC) IE Bulletin 79-19 guidance for periodic retraining and Department of Transportation (DOT) HAZMAT Employee training.

Attendees who will especially benefit from this course include Radioactive Waste Technicians and Supervisors; Health Physics, Industrial Hygiene; Radioactive Waste QA/QC personnel, engineering personnel and anyone responsible to certify radioactive waste shipments.

This training provides an initial introduction and review of the NRC regulations governing the safe transportation and disposal of radioactive materials. The training also includes detailed information relating to the definitions, calculations and requirements for shipment of radioactive materials in accordance with DOT's 49 CFR. Our practical exercises allow participants to apply the concepts of the training as it is being discussed. AAHP has awarded thirty-two (32) CEUs for this class. Materials will be provided to facilitate completing the course.

We are offering a special introductory price of \$1650 for the 4 days of training.

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Please visit our web site at:

www.atkinsglobal.com/energytraining
for course descriptions, pricing, and registration forms.

The training will be held at:

Atkins Orlando Office
482 South Keller Road
Orlando, FL 32810-6101

Bring the Family...Have Fun in the Sun While You Train!



New Marking Requirements from EPA's Final Rule

On November 28, 2016, EPA published a final rule titled Hazardous Waste Generator Improvements Rule. Although most of the changes affect the Hazardous Waste Generator requirements, a few of these will directly affect organizations that ship hazardous waste. The focus of this article is on the new hazardous waste container marking requirements in satellite accumulation areas (SAA), central accumulation areas (CAA) and those required "no later than prior to shipping".

This final rule requires Small Quantity Generators (SQG) and Large Quantity Generators (LQG) to mark their containers and tanks with some additional information. In addition to the words "Hazardous Waste", the generator must now mark the hazards of the contents as well as the EPA waste numbers (RCRA waste codes). There are several ways this new requirement may be fulfilled.

- Writing the required markings by hand or
- Making your own pre-printed markings or
- Purchasing the newly revised hazardous waste marking as shown below



The requirement to identify the hazard of the contents may be fulfilled by utilizing a DOT hazard label, OSHA hazard communication markings, NFPA

chemical hazard label, or pictogram or if using the pre-printed hazardous waste marking, by checking the appropriate hazardous characteristic (Ignitable, Toxic, Corrosive, Reactive).

The two new markings are in addition to the five EPA previously required:

- "Hazardous Waste"
- Generator name and address
- Generator EPA ID number
- Improper disposal warning statement
- Manifest document number

Note: The purchased marking also allows for the new size requirement (12mm) for DOT's UN Identification Number.

There are 60 changes in this final rule that may have significant impact on your organization if you are a Hazardous Waste Generator. The Federal Register is available at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27429.pdf>

Here are highlights of some of the more noteworthy changes:

- Significant reorganization of the regulations
- 5 tables were included in the Federal Register to assist with reorganization of information
- Hazardous Waste Determinations and guidance (§ 262.11)
- Hazardous Waste Counting and examples (§ 262.13)
- VSQG (very small quantity generator) definition and requirements
- Marking and Labeling changes (throughout generator regulations)
- Satellite Accumulation Areas (§ 262.15)
- SQG Re-notification (§ 262.18)
- Drip pads and containment build-ins (§ 262.16)

- Emergency planning and preparedness (§ 262.16 & part 262 subpart M)
- 50-foot waiver for reactive and ignitable waste (§ 262.17)
- Reporting and Recordkeeping (§ 262.41)
- Closure (§ 262.17)

Implementation of these requirements for the few states without RCRA authority is May 30, 2017. For the remaining majority of states with RCRA authority, the state must go through adoption/authorization and then have until July 1, 2018 or July 1, 2019 if State law change is needed for implementation of these new requirements. Please consult your environmental organization for additional guidance on these new changes.

Price Increase For Violating The Regs

Last April, in a Final Rule, the Department of Transportation (DOT) increased civil penalty fines for violations of federal trucking and hazardous materials regulations and we can expect regular, annual, adjustments for inflation each year (see 81 FR 18397). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, required Agencies to update their civil monetary penalties based on inflation in August 2016 through an interim final rulemaking. The civil penalties were adjusted in 2016 in an interim final rule which was a way to "catch-up" because adjustments had not been made on a regular basis each year as directed by the Federal Civil Penalties Inflation Adjustment Act of 1990 which the Act of 2015, amended. So now, we can all look forward to the cost of not doing the right thing to go up each year!

Latest Happenings in the Federal Register

State Passenger-CMV Inspection Program Withdrawn

Effective May 1, 2017 (82 FR 20311) the Federal Motor Carrier Safety Administration (FMCSA) withdrew its April 27, 2016, advance notice of proposed rulemaking (ANPRM) concerning the establishment of requirements for States to implement annual inspection programs for commercial motor vehicles (CMVs) designed or used to transport passengers (passenger-carrying CMVs).

FMCSA sought information from all interested parties that would enable the Agency to assess the risks associated with improperly maintained or inspected passenger-carrying CMVs. The ANPRM also sought public comments concerning the effectiveness of the current FMCSA annual inspection standards, and data on the potential costs and benefits of a Federal requirement for each State to implement a mandatory inspection program. FMCSA inquired about how the Agency might incentivize States to adopt such programs. After reviewing all the public comments, and in consideration of the comments provided by individuals attending the three public listening sessions held in 2015, FMCSA has determined there is not enough data and information available to support moving forward with a rulemaking action. The ANPRM "State Inspection Programs for Passenger-Carrier Vehicles," published on April 27, 2016 ([81 FR 24769](#)), is withdrawn as of May 1, 2017.

Safety Notice for DOT-39 Cylinders

On April 24, 2017 (82 FR 18967) Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a revised safety advisory notice to address concerns of offerors and users of DOT Specification 39 (DOT-39) cylinders that exceed 75 cubic inches (in³) (1.23 L) and to provide clarification of the

initial safety advisory notice we issued on this subject on December 13, 2016 (Notice No. 2016-14). DOT-39 cylinders exceeding 75 in³ (1.23 L) should not contain liquefied flammable compressed cyclopropane, ethane, or ethylene, or liquefied petroleum gases. PHMSA advises against the filling or transporting of these gases in DOT-39 cylinders when the cylinder's internal volume exceeds 75 in³ (1.23 L).

PHMSA Invites Comments on 11 Topics

On April 21, 2017 (82 FR 18828) the Pipeline and Hazardous Materials Safety Administration (PHMSA), in accordance with the Paperwork Reduction Act of 1995, invited comments on 11 information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget. The 11 include: (1) Hazardous Materials Security Plans; (2) Rulemaking, Special Permits, and Preemption Requirements; (3) Requirements for United Nations Cylinders; (4) Response Plans for Shipments of Oil; (5) Cargo Tank Specification Requirements; (6) Container Certification Statements; (7) Testing Requirements for Non-Bulk Packaging; (8) Testing, Inspection, and Marking Requirements for Cylinders; (9) Flammable Cryogenic Liquids; (10) Approval for Hazardous Materials; and (11) Rail Carrier and Tank Car Tanks—Transportation of Hazardous Materials by Rail. Interested persons are invited to submit comments on or before June 20, 2017.

Autonomous Listening Session

On April 17, 2017 (82 FR 18096) Federal Motor Carrier Safety Administration (FMCSA) announced that it will hold a public listening session on April 24, 2017, to solicit information on issues relating

to the design, development, testing, and deployment of highly automated commercial vehicles (HACVs). The listening session will provide interested parties an opportunity to share their views and any data or analysis on this topic with Agency representatives. FMCSA will transcribe all comments and place the transcripts in the docket referenced above. FMCSA will webcast the entire proceeding. The listening session will be held on Monday, April 24, 2017, from 9:30 a.m. to 12:00 p.m., E.T. Comments will be accepted from in-person participants as well as comments submitted via the Internet. If all interested participants have had an opportunity to comment, the session may conclude early. Public comments on this notice must be received on or before July 17, 2017.

EPA Seeks Comments on Regulations

On April 13, 2017 (FR 82 17793) Environmental Protection Agency (EPA) in accordance with Executive Order 13777, "Enforcing the Regulatory Reform Agenda," sent out a "Request for comment" in regards to seeking input on regulations that may be appropriate for repeal, replacement, or modification. Comments must be received on or before May 15, 2017.

Latest Happenings in the Federal Register (cont.)

FMCSA Increases Civil Penalties

On April 12, 2017 (82 FR 17584) Federal Motor Carrier Safety Administration (FMCSA) amended the civil penalties listed in its regulations to ensure that the civil penalties assessed or enforced by the Agency reflect the statutorily mandated ranges as adjusted for inflation. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), FMCSA is required to promulgate annual adjustments each year by January 15th. Pursuant to the Administrative Procedure Act, FMCSA finds that good cause exists for immediate implementation of this final rule because prior notice and comment are unnecessary, per the specific provisions of the 2015 Act. This final rule adjusts the amount of FMCSA's civil penalties to account for inflation as directed by the 2015 Act. The final rule implements the 2017 annual adjustments, which will update the adjustments made by interim final rule on June 27, 2016 (81 FR 41453). The specific inflation adjustment methodology is described in 82 FR 17584 Final Rule. This rule is effective April 24, 2017.

Post-Accident Reporting Meeting

On April 6, 2017 (82 FR 16873) the Federal Motor Carrier Safety Administration (FMCSA) announced the Post-Accident Reporting (PAR) Advisory Committee will hold a meeting on Monday, April 24, 2017, at the Commercial Vehicle Safety Alliance (CVSA) Workshop in Atlanta, GA. Under section 5306 of the FAST Act, the PAR was charged with reviewing post-accident reports and made recommendations on the data elements required by the reports and modifications that may improve their use through the addition of data elements at its meeting in December 2016. At this meeting, the PAR will provide suggestions concerning the implementation of

its recommendations to the FMCSA Administrator. The meeting is open to the public for its entirety. The meeting will be held on Monday, April 24, 2017, from 1:30-5 p.m., Eastern Time (E.T.), at the Hyatt Regency Atlanta, 265 Peachtree Street NE., Atlanta, GA 30303.

NRC Guidance on Licenses of Broad Scope

On April 5, 2017 (82 FR 16635) the U.S. Nuclear Regulatory Commission (NRC) issued Revision 1 to NUREG-1556, Volume 11, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope," which updates licensing guidance for broad scope licenses.

This document has been revised to include information on updated regulatory requirements, safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. The document is intended for use by applicants, licensees, and the NRC staff. NUREG-1556, Volume 11, Revision 1 is available April 5, 2017.

Safety Fitness Determination Withdrawal

On 23 March 2017 (82 FR 14848), the Federal Motor Carrier Safety Administration (FMCSA) withdrew its January 21, 2016, notice of proposed rulemaking (NPRM), which proposed a revised methodology for issuance of a safety fitness determination (SFD) for motor carriers. The new methodology would have determined when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on the carrier's on-road safety data; an investigation; or a combination of on-road safety data and investigation information.

FMCSA had recently announced that, rather than move to a final rule, a Supplemental Notice of Proposed Rulemaking (SNPRM) would be the next step in the rulemaking process.

However, after reviewing the record in this matter, FMCSA withdraws the NPRM and cancels the plans to develop a Supplemental Notice of Proposed Rulemaking. The Agency must receive the Correlation Study from the National Academies of Science, as required by the Fixing America's Surface Transportation (FAST) Act, assess whether and, if so, what corrective actions are advisable, and complete additional analysis before determining whether further rulemaking action is necessary to revise the safety fitness determination process. The NPRM "Carrier Safety Fitness Determination," RIN 2126-AB11, published on January 21, 2016 (81 FR 3562), is withdrawn as of March 23, 2017.

Entry-Level Training Requirements Further Delayed

On May 23, 2017 (82 FR 23516) the Federal Motor Carrier Safety Administration (FMCSA), in a Final Rule, further delayed the effective date of Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators. In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," this action temporarily delays, until June 5, 2017, the effective date of the final rule titled "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators," initially effective on February 6, 2017. The effective date of the final rule published on December 8, 2016 (81 FR 88732), delayed to March 21, 2017 at 82 FR 8903 and then further delayed to May 22, 2017 at 82 FR 14476, is further delayed until June 5, 2017.

(Continued on page 5)

Harmonization with International Standards

On March 30, 2017 (82 FR 15796) the Pipeline and Hazardous Materials Safety Administration (PHMSA), issued a final rule to amend the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments. Here are a few of the highlights:

Polymerization received a lot of ink so take notice if that is a hazardous material that you work with. There is an added definition in Section 171.8 for SAPT which means Self-Accelerated Polymerization Temperature.

The definition for aerosol was revised to add that it is an "article" to hopefully clarify the fact that they don't need to be packed in combination packagings and that the aerosol isn't mistaken for an inner packaging of a combination packaging.

Several changes were made in 172.101 to the HazMat Table with additions and deletions of Proper Shipping Names along with other changes including to some of the Special Provisions. A few changes of note were for Uranium Hexafluoride, radioactive material, excepted package less than 0.1 kg per package, non-fissile or fissile-excepted (UN 3507), and for Radioactive Material, Uranium Hexafluoride, fissile (UN 2977) and Radioactive Material, Uranium Hexafluoride non-fissile or fissile-excepted (UN 2978) Previously, each of these were known for their radioactive and corrosive properties. These were all changed due to new information regarding toxicity. UN 3507 will now have a primary hazard of Division 6.1 PG I with the subsidiaries being shown in Column 6 for labels as Class 7 and 8. This adds a little more confusion until you read the Special Provision 369 shown in Column 7 which indi-

cates that labeling for Class 7 is not required. For the other two proper shipping names for UN2977 and UN2978, the newly added subsidiary of Division 6.1 now appears in Column 6 for labeling.

Because of the changes regarding Uranium Hexafluoride (UF6) noted previously, changes were also made to placarding for subsidiary hazards in 172.505. Previously, UF6 would need to be placarded for the subsidiary of corrosive if the material exceeded 454 kg. The same requirement for corrosive still applies, but now the addition of a Toxic or Poison placard as a subsidiary is also required.

Some changes for exceptions for radiation detectors were added in 173.310. The first paragraph now includes the words "non-refillable cylinders". The other changes are found in paragraph (b) with the new design pressure limit for radiation detectors not to exceed 5.00 MPa (725 psig) and a capacity of 405 fluid ounces (731 cubic inches). Most notably were the addition of paragraphs (e) and (f). Paragraph (e) is a new requirement to note on the shipping paper that the transport is in accordance with 173.310 unless you are excepted by paragraph (f). Paragraph (f) is an exception from the requirements of the regulations (in other words, it becomes non-regulated) if the detectors meet the requirements in paragraphs (a) through (d) and the capacity of the detector receptacles does not exceed 50 ml (1.7 oz).

The requirement for labels to have a 2mm border was given an extension regarding implementation until December 31, 2018. Meanwhile, voluntary compliance is acceptable.

Latest Happenings in the Federal Register (cont.)

Assessing Rad Ground Water Discharges

On March 15, 2017 (82 FR 13875) the U.S. Nuclear Regulatory Commission (NRC) announced it issued Regulatory Guide (RG) 4.25, "Assessment of Abnormal Radioactive Discharges in Ground Water to the Unrestricted Area at Nuclear Power Plant Sites," as a new guide (Revision 0). The guide describes an approach that the NRC staff considers acceptable for use in assessing abnormal discharges of radionuclides in ground water from the subsurface to the unrestricted area at commercial nuclear power plant sites.

EPA Beryllium Standards

On March 2, 2017 (82 FR 12318), the Occupational Safety and Health Administration (OSHA), Department of Labor published a proposed delay of effective date in the federal register to further temporarily delay until May 20, 2017 the effective date of the rule entitled Occupational Exposure to Beryllium, published in the Federal Register on January 9, 2017 (82 FR 2470). The current effective date is March 21, 2017. This additional delay will allow OSHA officials the opportunity for further review and consideration of the new regulations. Written comments must be submitted by COB, March 13, 2017.

Class Schedule June 2017 – August 2017

Course	Date	Location
Federal Motor Carrier Safety Regulations for Managers	June 13-14, 2017	Richland, WA
Reasonable Suspicion Training for Supervisors	June 15, 2017	Richland, WA
Load Securement for Drivers and Traffic Personnel	June 20, 2017	Aiken, SC
Basic Level Transportation Training – Mod 1– Basic Hazardous Material	June 26-27, 2017	Las Vegas, NV
Basic Level Transportation Training – Mod 2– Basic Hazardous Waste	June 28, 2017	Las Vegas, NV
Basic Level Transportation Training – Mod 3– Basic Radioactive Material	June 28-29, 2017	Las Vegas, NV
Basic Level Transportation Training – Mod 1– Basic Hazardous Material	July 10-11, 2017	Albuquerque, NM
Basic Level Transportation Training – Mod 2– Basic Hazardous Waste	July 12, 2017	Albuquerque, NM
Basic Level Transportation Training – Mod 3– Basic Radioactive Material	July 12-13, 2017	Albuquerque, NM
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	July 11-13, 2017	Las Vegas, NV
Basic Level Transportation Training – Mod 1– Basic Hazardous Material	July 17-18, 2017	Richland, WA
Basic Level Transportation Training – Mod 2– Basic Hazardous Waste	July 19, 2017	Richland, WA
Basic Level Transportation Training – Mod 3– Basic Radioactive Material	July 19-20, 2017	Richland, WA
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	July 24-27, 2017	Orlando, FL
Advanced Radioactive Material Shipper Certification Training	August 1-3, 2017	Richland, WA
Advanced Hazardous Material Shipper Certification Training	August 8-9, 2017	Las Vegas, NV
Explosives Training for Shippers	August 10, 2017	Las Vegas, NV
Advanced Hazardous Material Shipper Certification Training	August 15-16, 2017	Richland, WA
Advanced Hazardous Material Shipper Certification Training	August 22-23, 2017	Albuquerque, NM
Explosives Training for Shippers	August 24, 2017	Albuquerque, NM
Explosives Training for Shippers	August 29, 2017	Richland, WA

Class dates and locations are subject to change

Transition Period Extended for Label Borders

As the border dispute continues in Washington DC, the Department of Transportation (DOT) decided to extend the transitional exception period for DOT labels' border sizing requirement of 2mm for domestic shipments another two years to December 31, 2018 (82 FR 15796). The original date was set for December 31, 2016 ending a two-year transition period for compliance. However, on March 30, 2017, in a Final Rule, DOT further extended the transition period allowing use of labels with borders meeting the requirements in effect on December 31, 2014. So, until January 1, 2019, when it comes to label specification, there are 2 ways to be right!

